

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12136, of Lester Goldberg, pursuant to Section 7104.2 to change a non-conforming use from an upholstering and decorating business to a restaurant seating less than fifty (50) persons in the R-5-B District at the premises 1954 Calvert Street, N.W., (Square 2546, Lot 50.)

PUBLIC HEARING June 16, 1976
DECISION DATE: July 13, 1976

FINDINGS OF FACT:

1. The land uses surrounding the site are predominately residential in character.
2. The location of the proposed use is on the ground floor of a three-story structure of which the upper floors are devoted to multi-family residential use permitted in the R-5-B.
3. At the time of an inspection by the Municipal Planning Office (June 8, 1976, 7:30 p.m.) vehicles were illegally parked in front of the subject premises. This condition was also observed across the street on a vacant tract which adjoined an existing restaurant.
4. There is a commercial zoned district 1,000 feet east of the site which permits the proposed use as a matter of right.
5. The Municipal Planning Office recommended that the application be conditionally approved, subject to the identification and resolution of off-street parking needs.
6. In applying the non-conforming use provision of the Zoning Regulations at Sub-section 7104.2, an interior decorator and upholstery shop is a C-2 use and a restaurant is a C-1 use in the regulations.
7. When considerations are given to the potential regional appeal of the restaurant along with the employees and patrons likely to come to the site by automobile, the proposed use represents a more intense utilization of land than the prior use.
8. No parking is required by the Zoning Regulations for the proposed use.
9. There was opposition to approval of the application. The objections raised included hours of operation, traffic impact, increased littering and the compounding of the existing parking problems in the immediate area.

CONCLUSIONS OF LAW:

Based on the Findings of the record and the requirements of the Zoning Regulations, under Paragraph 7109 and 7104.2, the Board is of the opinion that the application to change a non-conforming use from an interior decorating and upholstering shop to a restaurant is not consistent with the intent of the Regulations. The Board concludes that the use, although conceivably a neighborhood facility, has a potential local and regional appeal beyond the previous non-conforming use, which will bring additional automobiles to the neighborhood and increase the competitive demand for the limited curb parking which services the residents in the area. The Board further concludes that a change to the proposed use would result in more illegal parking, detract from the residential character of the area and adversely effect the future development of the area. IT IS THEREFORE ORDERED THAT THIS APPLICATION IS HEREBY DENIED.

VOTE: 3-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq., and William F. McIntosh, with William S. Harps and Leonard L. McCants, Esq., not voting).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 1-26-77